

SENATE BILL 3760

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 53, Chapter 1, Part 1 and Title 68, Chapter 221, Part 7, relative to public drinking water.

WHEREAS, contrary to public assumption, the United States Environmental Protection Agency (EPA) gave up all enforceable oversight responsibilities for direct water additives in 1988, and presently there are no federal safety standards on the subject; and

WHEREAS, the voluntary industry self-regulation standard, known as ANSI/NSF Standard 60, which has been adopted by the State of Tennessee (Rule 1200-5-1-17(36)), is established and administered by a non-governmental body with no direct responsibility to health agencies or consumers; and

WHEREAS, rather than looking at ways to make public water more potable, public policy groups are discussing such things as adding lithium to the public water for the purpose of altering human mood imbalances, and statin drugs for the purpose of affecting human cholesterol have increased, along with water operators initiating, halting, and making changes in fluoridation products; and

WHEREAS, chemical products are now more frequently sourced from China, Japan, Russia, and Mexico with no state requirement for batch testing for content and impurities, or disclosure of origin; and

WHEREAS, it is essential that the contents and impurities of any chemical transported to and stored in a community in its raw undiluted state are fully identified for first responders, emergency remediation and response teams, risk management, homeland security, environmental impact, and to assess contaminant quality controls and appropriate permitting; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 7, is amended by adding the following language as a new, appropriately designated section:

68-221-7\_\_.

(a) In administering substances to be used in the operation of public water systems in this state, water system operators shall only purchase such substances from chemical manufacturers or responsible entities in the chain of delivery of the product who provide the following declaration for their product:

**"This specific product, as it is constituted and inclusive of contaminants, when ingested by consumers in dilution amounts consistent with concentration goals in water established by safe drinking water regulation for the product:**

**(1) Is effective at treating the legislatively-identified specific disease or health condition, or affects the bodily functions to prevent the specific adverse health condition in consumers, consistent with fulfilling the stated legislative intent for this product's use; and**

**(2) Is safe for the full range of expected human consumption at these dilution ranges, without known or anticipated adverse health effects over a lifetime, including for infants, children, the elderly, and other populations afforded equal protection."**

(b) Public water system operators shall require, as a condition of purchase, that manufacturers of specific products water system operators add or

intend to add to the public drinking water for purposes of treating or affecting the bodily functions of consumers shall:

(1)

(A) Provide a list of all published, and unpublished if known, toxicological studies on the health and behavioral effects of the continued use of their specific products;

(B) Identify the country or countries of origin of all or any part of the products, including any blending; and

(C) If the toxicological studies on health and behavioral effects were performed on a different manufacturer's products of the same chemical classification, identify the manufacturing source of the products studied and provide a comparison of content and contaminant concentrations between the studied products and the products to be delivered.

(2) Water system operators shall require that an annual update of the list of toxicological studies on the health and behavioral effects of the continued use of each product content and contaminant be provided by the responsible party in the chain of delivery.

(3) Water system operators shall make all information provided by manufacturers or responsible parties in the chain of product delivery pursuant to this section readily accessible to the public.

(c) To assure that public water system operators have selected and are administering water additive products intended to treat or affect the bodily functions of consumers that meet the requirements of state law and rules and regulations, water system operators, as a condition of purchase, shall obtain a

complete, dated and correct copy of the manufacturer's product declaration in force at the time of contract. The product declaration is the same declaration the manufacturer of the product is required to submit to the National Sanitation Foundation (NSF) International to meet American National Standards Institute (ANSI) and NSF Standard 60 General Requirements, in compliance with Rule 1200-5-1-17(36) of the rules and regulations of the department of environment and conservation.

(d) Public water system operators shall make the following product information available to the public, including but not limited to:

- (1) A proposed maximum use level for each product;
- (2) The composition of the formulation, in percent or parts by weight for each chemical in the formulation;
- (3) The reaction mixture used to manufacture the chemical if applicable;
- (4) Chemical abstract (CAS) number, chemical name, and supplier for each chemical present in the formulation;
- (5) A list of known or suspected impurities within the treatment chemical formulation and the maximum percent or parts by weight of each impurity;
- (6) A description or classification of the process in which the treatment chemical is manufactured, handled and packaged;
- (7) Any selected spectra that has been required; and
- (8) A list of published and unpublished toxicological studies relevant to the treatment chemical and the chemical and impurities present in the treatment chemical.

(e)

(1) Public water system operators shall select and add to the public drinking water only these products intended to treat and affect the bodily functions of consumers that meet, at a minimum, the applicable published American Water Works Association (AWWA) standard for a product's specific chemical classification.

(2) In order to assure fulfillment of AWWA standards, public water system operators shall obtain from the manufacturer, or other responsible party in the chain of delivery, an independent analysis by an ANSI or NSF International certified laboratory determining the content, and specific concentrations of each contaminant, of each shipment of the product, to be correlated with the manufacturer's product declaration described in subsection (c). These batch analyses, and any reports, on each delivery of products, shall be maintained and made immediately accessible to the public by the water system operator.

(f)

(1) A chemical manufacturer or responsible entity in the chain of delivery of the product person who knowingly omits or falsifies information required pursuant to this section commits a Class B misdemeanor punishable by a fine only of up to five hundred dollars (\$500).

(2) Each violation of this section shall be considered a separate offense.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.